

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:08-CR-00091-BR
No. 5:16-CV-00461-BR

| | | |
|---------------------------|---|--------------|
| TIMOTHY HUGH LINDSEY, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | <u>ORDER</u> |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | |

This matter is before the court on the 23 October 2018 order directing petitioner to show cause why his amended 28 U.S.C. § 2255 motion should not be dismissed. (DE # 98.) Petitioner did not file a response to the order, and the time within which to do so has expired. For the reasons stated in the 23 October 2018 order, the amended § 2255 motion (DE # 91) is DISMISSED. The court finds that petitioner has not made “a substantial showing of the denial of a constitutional right,” 28 U.S.C. § 2253(c)(2), and therefore, a certificate of appealability is DENIED.

This 15 January 2019.



W. Earl Britt
Senior U.S. District Judge